

THE WEINSTEIN GROUP, P.C.

6800 JERICHO TURNPIKE, SUITE 112W • SYOSSET, NEW YORK 11791 • TEL: 516-802-5330 • FAX: 516-802-5332

November 16, 2024

Hon. Ona T. Wang  
US Magistrate Judge  
500 Pearl Street  
New York, New York 10007

Re: Yitzhak, et al. v. Verner, et al.  
Case No.: 1:23-cv-02084

Dear Judge Wang:

Kindly accept this letter in response to the Court's directive given on October 16, 2024 to provide a Rule 26(f) status report. Attached hereto is correspondence dated October 24, 2024. This is Plaintiffs' email to Defendants narrowing the scope of the document demand, as directed by the Court and requesting that counsel meet and confer. After receiving an email advising that she was busy, the next communication received from Defendants' counsel was November 8, 2024, also attached. The Court can see my response which reads, in part:

"As you know, more than 3 weeks ago, on October 16, the Court issued an Order concerning Plaintiff's discovery demands and Defendants' failure twice to timely answer the same.

The Court's Order, Document 66, directed rolling production of responsive documents which has not happened to date.

On October 24, I provided to you a letter designed to narrow the scope of the email production, even providing a list of names of individuals to avoid requesting or receiving unneeded information.

You did not respond to that email.

I followed up with you on October 25 and since then you have emailed me advising: (i) that you did not have an opportunity to review my email; (ii) that you could not talk until Tuesday (October 29); and (iii) that you were unfortunately sick with Covid. I responded to each of your messages asking for a time when you would be available. Your last communication to me was on October 29, 2024 and your email below is the first response from you requesting a meet and confer, but not otherwise

commenting on the discovery served or Plaintiffs' efforts to narrow the scope of the demands.  
You are reminded that Defendants' responses are due on November 15, 2024.  
I can be available on Tuesday between 10am-12pm if you are available.  
Please let me know what time Tuesday is best for you."

Defendants' counsel did not respond to this email, did not provide the documents Ordered to be produced, did not schedule a meet and confer, did not request an extension or even advise when responsive documents would be provided.

As a result of Defendants' counsel's continued refusal to communicate, the undersigned was unable to provide a Rule 26(f) Report as directed.

And before Defendants assert that there is a "global settlement" to be had, I report to this Court that there have been no discussions in the past month concerning a settlement.

In summary, Defendants' continued refusal to communicate and cooperate with discovery is preventing the Plaintiffs from prosecuting their claims, is improperly delaying this matter and is wasting the valuable time of this Honorable Court. Further it has prevented the Plaintiffs from providing the Report directed by this Court.

Plaintiffs request permission to move this Court for relief in the form of striking the Defendants' pleadings and for the costs and fees for the making of that motion, brought on by Defendants' steadfast refusal to cooperate in this matter.

Respectfully,

THE WEINSTEIN GROUP, P.C.

A handwritten signature in black ink, appearing to read 'LJ Weinstein', with a stylized flourish at the end.

LLOYD J. WEINSTEIN, Esq.